

The Honorable Frederick P. Corbit
Chapter 7
Hearing Date: September 10, 2024, at 10:30
am
Location: 904 West Riverside Ave., 3rd Floor
Courtroom, Spokane, WA 99201

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:
GIGA WATT, Inc., a Washington corporation,
Debtor.

Cause No.: 18-03197 FPC 7

**DECLARATION OF JUN DAM IN
SUPPORT OF OBJECTION TO
CONTINGENCY FEE APPLICATION**

Jun Dam, under penalty of perjury, pursuant to the laws of the State of Washington
declares the following as true and correct:

1. I am over 18 years of age and competent to swear to the matters contained herein.

The following statements are based on my personal knowledge, public records, and on business records maintained in the regular course of business.

2. I am an unsecured creditor of Giga Watt. My claim in the bankruptcy is for over \$5,000,000.

3. I am going to file claims to establish equitable rights to the settlement proceeds paid to the bankruptcy estate as part of the Perkins Adversary case. I am in the process of securing counsel to assist with filing those equitable claims. I intend to file the claims in the next few weeks.

DECLARATION OF JUN DAM - 1



Hanson Baker Ludlow Drumheller P.S.
2229 112th Avenue NE, Suite 200
Bellevue, WA 98004
(425) 454-3374

4. One of the equitable claims I intend to file is for a constructive trust over the Settlement Proceeds in the bankruptcy estate for the benefit of myself and/or other "token holders."

5. I understand that the trustee and/or his attorney believe that I have waived or released any equitable claims I have against the Settlement Proceeds because of a waiver/release provision in the Settlement Agreement of a Class Action case against Perkins Coie. This is not true.

6. I do not believe I have waived any of my rights in this bankruptcy case, including the right to seek equitable rights to the Settlement Proceeds. If required, I intend to challenge the enforceability of the "waiver/release" provision in the Settlement Agreement of the Class Action Case against Perkins Coie.

7. My position is that the release provision is not enforceable for many reasons, including the fact that the Trustee and Debtor were not parties to that agreement and there was no consideration provided for that release. I intend to validate this position when I file my claims for equitable relief.

8. The trustee's attorney should not be paid more than \$900,000 from the Settlement Proceeds until my claims for equitable rights to those proceeds are decided.

22nd

Rincon, Puerto Rico

Dated this _____ day of August, 2024, in _____ (City/State)

Signed by:
Jun Dam
5CE879A85D29443...
Jun Dam

DECLARATION OF JUN DAM - 2



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